

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:04CV374-H**

ALVIS COATINGS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER OF DISMISSAL</u>
)	<u>FOR FAILURE TO PROSECUTE</u>
NICHOLAS FICORELLI and JOHN)	<u>FED. R. CIV. P. 4(m)</u>
DOES ONE THROUGH TEN,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on its own Motion and it appears that the Plaintiff filed its Complaint on July 30, 2004; that the Plaintiff filed an Amended Complaint on March 22, 2005; that a Summons (the only Summons issued in this matter) was issued on March 24, 2005; that no return of service or waiver of service has been filed; that on September 12, 2005, the Clerk mailed the Plaintiff a notice stating that this action would be dismissed unless it filed a return of service or took some other action to extend the time for service within 20 days; and that the Plaintiff has not responded to the notice, nor has it filed a return of service or otherwise taken any other action in prosecution of this action.

NOW THEREFORE, IT IS ORDERED that pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, this matter is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Signed: February 28, 2006



Graham C. Mullen
United States District Judge

